Supreme Court, U.S.
FILED

No. (1) 091048

MAR 1- 2010
OFFICE OF THE CLERK

In the

Supreme Court of the United States

KENNETH D. LIGGINS,

Petitioner,

v.

WILLIAM A. HAZEL, INC.;
DARRELL WOLFE; TOMMY SHELL;
LASZLO ESZENYI,

Respondents.

On Petition for Writ of Certiorari
to the U.S. Court of Appeals
for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

I.

Did the Court of Appeal Error by allowing Defense Counsel to file in the United States District Court that his Law firm represent William A. Hazel, Inc. only, on 12/21/2007, but his writing has included all of the defendants?

II.

Did the Court of Appeals for the Fourth Circuit Error by allowing R. Mark Dare, Defense Council for William A. Hazel, Inc. et al., Enter an appearance on behalf of Darrell Wolfe Tommy Shell and Laszlo Eszenyi on Appellant/ Petitioner Motion for Default Judgment?

III.

Did the United States Court of Appeal Error by ordering Defense Counsel on 1/18/2008 to file under seal the names of Darrell Wolfe Tommy Shell and Laszlo Eszenyi, to have the court arrange service and then the court withdrew it's own order for no good legal reason?

IV.

Did the Court of Appeal Error by upholding the United States District Court Order by dismissing Petitioner Motion to Enter Default Judgment against Darrell Wolfe, Defendant on 6/11/2008 after Darrell Wolfe attended Petitioner Deposition held by Defense Counsel on behalf of William A Hazel, Inc. et al., and was handed a copy of petitioner Bill of complaint by R. Mark Dare council for William A. Hazel, Inc. et al.,?

V.

Did the Court of Appeal Error by upholding the United States District Court, stating that Darrell Wolfe, Tommy Shell and Laszlo Eszenyi Was not properly served, when Defense counsel filed Defendant's Opposition to petitioner Motion to enter Default Judgment against Wolfe, Shell and Eszenyi defendants?

VI.

Did the Court of Appeal Error by granting Respondent motion for Summary Judgment and dismiss Petitioner motion for Default Judgment?

VII.

Did the Court of Appeals Error by ordering Petitioner to pay Attorneys fees in the amount of ($5000.00) to Defense council?

VIII.

Did the Court of Appeal Error by upholding Respondents dismissal of Petitioner judgment by Default against Wolfe, Shell and Eszenyi who Owes the Petitioner in the amount of ($36,000,000.00) due to the Respondents canceled default judgment?

LIST OF PARTIES

The caption of the case contains some of the names of the parties involved in this matter. No parent corporation or subsidiaries exist in this litigation. United States District Court Orders are a part of the Petitioner Writ of Certiorari.

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PETITION FOR WRIT OF CERTIORARI

COMES NOW the Petitioner, Kenneth D. Liggins, ("Petitioner"), and respectfully represents that he is aggrieved by the final judgment of the Fourth Circuit Court of Appeals entered December 9th 2009. Petitioner request the Supreme Court Rule 10, Entitled Considerations Governing Review on Writ of Certiorari (hereinafter, "Rule 10"). This standard includes intervention to prevent a gross miscarriage of justice.

OPINIONS BELOW

Regarding the Order of Dismissal from the United States District Court dated 20th of June 2008, is included in the appendix at A-4. The Order entered the 12th day of February 2008 on page 2 of page 5 Paragraph 2, which protect the Defense Counsel R. Mark Dare's position that he only represented William A. Hazel, Inc. is included in the Appendix at A-7. The Unpublished per curiam opinion by the United States Court of Appeals for the Fourth Circuit is included in the Appendix at A-1. Also included in the appendix is the Order Denying Petitioner Appeal. The United States Court of Appeals for the Fourth Circuit entered Judgment affirming the District Court's Judgment entered October 23, 2009. The United States Court of Appeals for the Fourth Circuit entered an Order denying Petitioner's Petition for Rehearing and Rehearing *En Banc*, entered December 1 2009. (A-11-12)

Regarding the Appeal for Rehearing and Rehearing *En Banc*, the United States Court of Appeals issued the Court's Mandate entered on December 9th 2009. (A- 3)

STATEMENT OF JURISDICTION

On December 1st 2009 and again on December 9th 2009 and again on August 11th 2008 the United States Court of Appeals for the Fourth Circuit denied Petitioner's application for appeal. This Petition for a Writ of Certiorari is filed within ninety days of the Order denying Petitioner's Petition for Rehearing and Rehearing *En Banc*, and the jurisdiction of this Court is invoked pursuant to 28 U. S. C. Section 1254.

CONSTITUTIONAL PROVISIONS

The Fifth Amendment to the Constitution of the United States declares, "No person . . . shall be deprive of life liberty, or property, without due process of law. "

The Fourteenth Amendment to the United States Constitution declares that "No State shall . . . deprive any person of life, liberty, or property without due process of Law . . . . "

STATEMENT OF THE CASE

1. Course of Proceedings and Disposition in Court Below

Petitioner claim arise out of Title VII of the Civil Rights Act of 1964 and Title 42 U.S.C. Section 1981 and 42 U.S.C. Section 1883(3), perjury and 42 U.S.C. Section 1985(3) Conspiracy. The 1983(3) and 1985(3) were dismissed, and the claim proceed on Title 42 U.S.C. section 1981 claim. Petitioner did receive a Right to Sue letter from the EEOC and the Petitioners choose to proceed under Title 42 U.S.C. Section 1981.

Petitioner claims were discrimination and retaliation against Respondents William A. Hazel, Inc. and Darrell Wolfe, Tommy Shell and Laszlo Eszenyi. Petitioner proceeded with the filing of the claim in the United States District Court, Alexandria Division. This claim was filed on October 26, 2007.

Petitioner filed a Motion for Default Judgment against Darrell Wolfe, Tommy Shell and Laszlo Eszenyi after discover, and Petitioner discovered that the Defense Counsel R. Mark Dare had filed that he only represented William A. Hazel, Inc. R. Mark Dare's caption heading shows that he was also representing the other Respondents.

Defense Counsel R. Mark Dare took deposition from Petitioner. Before the deposition Counsel invited Wolfe a party to the lawsuit so that he could attend and here the claims leveled against the Defendants. At no time did the Defense Counsel file with the United States District Court a copy of a subpoena, to compel Respondent Wolfe to attend. Exhibit number 3 was entered into evidence by Counsel for Defendants, counsel handed a copy of the Bill of Complaint that was identified as Exhibit number (3), by Counsel for William A. Hazel, Inc., *et al.*

Petitioner filed a Motion for Judgment by Default in which the United States District Court denied by Order on June 20th 2008. Petitioner filed an appeal with the United States Court of Appeals for the Fourth Circuit and rehearing and rehearing *en banc.*

On appeal to this Court, the Petitioner states that the District Court and Fourth Circuit erred, and

Petitioner can demonstrate a violation of a constitutional right.

2. Statement of Facts

The Petitioner argued before the United States District Court its Motion for Default Judgment on 20th of June 2008. The Respondents Defense Counsel argued for its Motion for Summary Judgment on June 20th 2008, after Petitioner Motion was denied. Respondents Motion for Summary Judgment was granted.

The fact that on April 29th 2008 R. Mark Dare Counsel for Respondents swore Petitioner in at the Deposition and the stenographer recorded all the parties who were in attendance at the deposition held at respondent counsel Law firm. Attending the deposition was Darrell Wolfe one of the parties to Petitioner Bill of Complaint as a defendant.

On April 29th 2008 R. Mark Dare Counsel for Respondents did hand to Darrell Wolfe a copy of Exhibit number 3 in which he identified as Petitioner Bill of Complaint. See Defendant's Opposition to Plaintiff's Motion to enter Default Judgment against Wolfe dated 17th of June 2008. Page 2 of 3 under section II Argument Paragraph 2 and 3. (A-22)

On April 29th 2008 R. Mark Dare did serve Darrell Wolfe a copy of Petitioner's Bill of Complaint. Darrell Wolfe Defendant/Respondent, failed to file a timely response under Federal Rule Civil Procedure Rule 55(a).

Respondents' Counsel, R. Mark Dare, did on June 17th 2008 file a "Defendant's Opposition to Plaintiff's Motion for Default Judgment against Shell and

Eszenyi who are defendants in this lawsuit. R. Mark Dare did enter an appearance on the Defendants behalf.

Respondents' Defense Counsel R. Mark Dare in the Order from the United States District Court dated the 12th of February 2008, on page 2 of 5, paragraph 2 and I "Plaintiff failed to properly serve the individual defendants, and WAH did not accept service for the individual defendants, and WAH's counsel has not entered his appearance on their behalf." (A-7)

The fact is that Petitioner has been deprived of his 5th and 14th Amendment to the United State Constitution, Due Process of Law. The fact is that R. Mark Dare has been hiding the fact that he has entered an appearance on behalf of the defendants Darrell Wolfe, Tommy Shell and Laszlo Eszenyi. See A-1, A-3, A-4, A-6, A-11, A-13

The Fact of the matter is that Respondents Defense Counsel R. Mark Dare, by concealing the appearances on behalf of the Respondents in the United States District Court and the United States Court of Appeals for The Fourth Circuit has led them to Judgment by Default.

WHEREFORE Respondents William A. Hazel, Inc. *et al.*, are and or were the Respondents' employers. The concealments by Counsel for the Respondents put them in the position that they owe to the Petitioner in the amount of ($36,000,000.00) because of there Judgment by Default that the United States District court refused to enter on Petitioner behalf. Respondents' Summary Judgment must also be overturned and returned to the United

States District Court for further judication See A-21-31 and A-32-37.

SUMMARY OF ARGUMENT

The United States District Judge had a constitutionally imposed duty to enter a Default Judgment against Darrell Wolfe, who had been properly served at the Defense Counsel held Deposition on April 29th 2008 after R. Mark Dare enter Petitioner's Bill of Complaint as Exhibit Number 3, and handed a copy to Darrell Wolfe on April 29th 2008.

Petitioner was denied his 14th Amendment Right to Due Process of Law, when the United States District Judge the Honorable Leonie M. Brinkema dismissed the Petitioner's Motion for Default Judgment against Defendants Darrell Wolfe, Tommy Shell and Laszlo Eszenyi after the Defense Counsel R. Mark Dare did file motions to dismiss Petitioner's Motion for Default Judgment. The issue was raised on appeal and was non-frivolous, and nothing more is required to establish prejudice. The United States Court of Appeals decided an important question which conflicts with and has departed from the usual judicial proceedings.

REASONS FOR GRANTING THE WRIT

I. Darrell Wolfe, Respondent, who was served by R. Mark Dare, Counsel for Respondent William A. Hazel, Inc. on April 29th 2008 at a scheduled deposition held by Defense Counsel. Petitioner has the right to Judgment by Default due to the fact that R. Mark Dare, Counsel for Defendants, properly served Wolfe, when he was handed a copy of the Complaint by Defense Counsel.

II. The Honorable Court has a constitutionally, imposed duty to grant the Petitioner his protective constitutional right to due process of law under the 5th & 14th Amendments to the United States Constitution

III. The Defense Counsel entered an appearance on behalf of Defendants William A. Hazel, Inc., Darrell Wolfe, Tommy Shell and Laszlo Eszenyi when he filed Motions in Opposition and Summary Judgment on Defendants behalf when Counsel stated that he only represented William A. Hazel, Inc. The Motion to Dismiss was granted for Defendants, which is in direct violation of the petitioner right to due process of law.

IV. The Court has a constitutional duty to impose and comply with Fed R. Civ. P. Rule 32(a) which states that a deposition may be used against any party who was present or represented at the taking of the deposition. The fact that Darrell Wolfe attended the deposition at the request of R. Mark Dare Counsel FOR DEFENDANTS AND WAS HANDED a copy of Petitioner Bill of Complaint, by Counsel, justifies why the Court must enter Judgment by Default in favor of Petitioner.

V. Petitioner strongly believes in the transparency of the judicial system in the United States, and no one is considered to be above the law for it is the only forum whereby an average person such as me can petition the courts for justice. Petitioner meditates and relied on guidance of the almighty to provide him with wisdom to dissect and to comprehend the laws of the land.

VI. Plaintiff has filed with the clerk a notice of default, and the Defense Counsel filed Motion in

Opposition on behalf of Wolfe, Shell and Eszenyi, the Defendants' R. Mark Dare Attorney at Law said his law firm only represented William A. Hazel, Inc. but entered appearances on behalf of the other defendants, which constitute a reasonable person to believe that the defendants are being represented by R. Mark Dare, Counsel for Defendants. Petitioner has been deprived of his constitutional protective rights.

VII. The Questions Presented by Petitioner for Writ of Certiorari is non-frivolous, and nothing more is required to establish.

Among the exclusive rights granted to the citizens of the United States of America and its territories, is the right not to be discriminated against, and to be allowed due process of law. The Counsel for William A. Hazel, Inc. told the United States District Court that his law firm only represented William A. Hazel, Inc. See Appellees Informal Brief dated the 28th day of August 2008, page 2 under supporting facts and argument, under issue number 2. (A-13) Respondents filing of its Defendant's Opposition to Plaintiff's/Petitioner's Motion to Enter Default Judgment against Wolfe provided the evidence that Defense Counsel R. Mark Dare did in fact enter appearances on Defendants Darrell Wolfe and Tommy Shell and Laszlo Eszenyi behalf. See A-21-27.

The Court of Appeals did err by issuing a Mandate on December 9th 2009 on behalf of William A. Hazel, Inc., Darrell Wolfe; Tommy Shell and Laszlo Eszenyi. This confirmed the Defense Counsel entered an appearance on the Respondents behalf. See (Mandate) dated 9th of December 2009. (A-3)

The Mandate shows proof that the United States Court of Appeal for Fourth Circuit has agreed that R. Mark Dare, Counsel for William A. Hazel, Inc., Darrell Wolfe, Tommy Shell and Laszlo Eszenyi were being represented by Defense Counsel for all the Defendants listed in this Mandate dated December 9th 2009. (A-3)

The fact that R. Mark Dare Counsel for William A. Hazel, Inc., *et al.* filed motions in opposition to Petitioner's Motion for Default Judgment does constitute R. Mark Dare Defense Counsel entered an appearance on behalf of Darrell Wolfe, Tommy Shell and Laszlo Eszenyi. Counsel appearances constituted a genuine issue of material facts that the listed R. Mark Dare was representing Defendants. R. Mark Dare claim that Wolfe, Shell and Eszenyi were not served properly, if so then why was he continually filing motions on their behalf, and including their names on his correspondences with the United States Court of Appeal and the United States District Court of Virginia, Eastern District? See A-21-27.

The Defense Counsel R. Mark Dare invited the Defendant, Darrell Wolfe to the April 14th and 29th deposition at the office of the Defense Counsel. At no time did the Defense Counsel file a copy of the Subpoena with the United States District Court, there being no filed subpoena with the court nor was a copy sent to the Petitioner to compel the presence of Darrell Wolfe to attend the deposition. Darrell Wolfe was not compelled to attend. Respondent held deposition of Petitioner Darrell Wolfe was properly served under Fed. R. Civ. P. Rule 32(a). The Rule states that a deposition may be used against any party who was presented or represented at the

taking of the deposition. Defense Counsel R. Mark Dare admitted that he gave a copy of Exhibit number 3, which was Petitioner Bill of Complaint to Darrell Wolfe on April 29th 2008.

Darrell Wolfe was properly served by R. Mark Dare an Officer of the Court. Judgment by Default must be granted for the failure of Darrell Wolfe not having filed a timely response noir did he enter an appearance on his behalf, Within the (21) days Under Rule 55(a) and Supreme Court of Virginia Rule 3:19.

CONCLUSION

For the foregoing reasons, Petitioner prays that this Honorable Court grant certiorari, reverse the appeals court and the district court and remand for further proceedings.

Respectfully submitted, the 1st day of March 2010.

KENNETH D. LIGGINS
Pro-Se Petitioner
26 Josephine Street
Berryville, VA 22611
540/955/1365

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1772

KENNETH D. LIGGINS,
Plaintiff – Appellant,

v.

WILLIAM A. HAZEL, INC.; DARRELL WOLFE; TOMMY SHELL; LASZLO ESZENYI,
Defendants – Appellees.

No. 08-1971

KENNETH D. LIGGINS,
Plaintiff – Appellant,

v.

WILLIAM A. HAZEL, INC.; DARRELL WOLFE; TOMMY SHELL; LASZLO ESZENYI,
Defendants – Appellees.

Appeals from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:07-cv-01084-LMB-JFA)

Entered: October 23, 2009

Before WILKINSON, MOTZ, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kenneth D. Liggins, Appellant Pro Se. Richard Mark Dare, ISLER, DARE, RAY, RADCLIFFE & CONNOLLY, PC, Vienna, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth D. Liggins appeals the district court's orders denying relief on his 42 U.S.C. § 1981 (2006) complaint and ordering him to pay attorneys fees and costs in the amount of $5,000. We have reviewed the record and find no reversible error. Accordingly, we deny Liggins's motion to compel and we affirm for the reasons stated by the district court. See Liggins v. William A. Hazel, Inc., No. 1:07-cv-01084-LMB-JFA (E.D. Va. filed June 20, 2008 & entered June 23, 2008; filed Aug. 8, 2008 & entered Aug. 11, 2008). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

ENTERED: December 9, 2009

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1772 (L)
(1:07-cv-01084-LMB-JFA)

KENNETH D. LIGGINS,
Plaintiff - Appellant

v.

WILLIAM A. HAZEL, INC.; DARRELL WOLFE; TOMMY SHELL; LASZLO ESZENYI,
Defendants - Appellees

MANDATE

The judgment of this Court, entered 10/23/09, takes effect today.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

/s/Patricia S. Connor, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

KENNETH D. LIGGINS,
Plaintiff,

v.

WILLIAM A. HAZEL, INC., et al.
Defendants.

1:07cv1084 (LMB/BRP)

Entered: June 20, 2008

ORDER

For the reasons stated in open court, it is hereby

ORDERED that plaintiff's Request for Entry of Default [Docket #70], plaintiff's Motions for Entry of Default Judgment [Docket #71, #72, and #73], and defendant William A. Hazel, Inc.'s Motion to Strike [Docket #76] be and are DENIED; and it is

further

ORDERED that defendant William A. Hazel, Inc.'s Motion for Summary Judgment [Docket #65] be and is GRANTED.

The Clerk is directed to enter judgment in defendant William A. Hazel, Inc.'s favor pursuant to Fed. R. Civ. P. 58, terminate this action, and forward copies of this Order to plaintiff, pro se, and defendant's counsel of record.

To appeal this decision, plaintiff must file a written Notice of Appeal with the Clerk of this Court within thirty (30) days. Failure to file a timely Notice of Appeal waives the right to appeal this decision.

Entered this 20th day of June, 2008.

/s/ Leonie M. Brinkema
Leonie M. Brinkema
United States District Judge

Alexandria, Virginia

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA ALEXANDRIA DIVISION

KENNETH D. LIGGINS,)
Plaintiff,)
)
v.)
)
WILLIAM A. HAZEL, INC.,)
DARRELL WOLFE,)
TOMMY SHELL,)
MICHAEL A. QUICK,)
MARTY W. HIETT,)
PERNELL RICKS, JR.,)
FRANKLIN M. PHIPPS,)
AND LASZLO ESZENYI,)
Defendants.)

Entered: February 12, 2008

ORDER

On October 26, 2007, plaintiff, acting pro se, filed an employment discrimination complaint against his former employer, William A. Hazel, Inc. ("WAH") and seven individual WAH employees, alleging race-based discrimination and retaliation under Title VII of the Civil Rights Act of 1964 ("Title VII") as well as violations of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 1981 and 1985, and perjury. Plaintiff seeks compensatory and punitive damages totaling $48 million.

On December 21, 2007, WAH moved to dismiss the Title VII and ADA claims based on plaintiff's

failure to exhaust his administrative remedies and to dismiss the perjury claim for failure to state a claim, because Virginia does not recognize a civil cause of action for perjury. The Court granted the motion and dismissed those claims, leaving the civil rights claims under §§ 1981 and 1985 as the only remaining claims pending against WAH.

Plaintiff failed to properly serve the individual defendants in this action. WAH did not accept service for the individual defendants, and WAH's counsel has not entered his appearance on their behalf. At the Court's direction, WAH's counsel has filed, under seal, the home addresses of the individual defendants, to assist in their being served, if that is appropriate. However, the Court has reviewed plaintiff's complaint and has concluded that, on its face, it fails to allege proper claims against the individual defendants.

Plaintiff alleges that defendants Darrell Wolfe ("Wolfe") and Tommy Shell ("Shell") discriminated against him by not allowing him to leave the job site for lunch even though a white foreman was allowed to leave, by surveilling the work of plaintiff's "black crew" more vigorously than "white crews," and by using different standards of discipline for non-black employees. Plaintiff further alleges that Wolfe, Shell, and defendant Laszlo Eszenyi ("Eszenyi") presented plaintiff with an unexpected demotion. After plaintiff told Eszenyi that he was going to file a discrimination complaint against Wolfe and Shell, plaintiff was reinstated as a foreman.

Plaintiff also alleges that, on April 10, 2006, Wolfe and Shell fired him *in their effort to complete their pre-planned conspiracy to discriminate

against" him. And, finally, plaintiff alleges that defendant Michael A. Quick {"Quick"), participated in a § 1985 conspiracy, by meeting with Wolfe and Shell and by signing an affidavit describing plaintiff's poor performance. All plaintiff's allegations against the remaining individual defendants - Marty W. Hiett, Pernell Ricks, Jr., and Franklin M. Phipps - involve allegedly perjurious affidavits that defendants filed in EEOC proceedings.

Because the Court has found no cause of action for perjury, all the allegations against the seven individual defendants based on alleged acts of perjury must be dismissed. Moreover, to the extent plaintiff tries to allege a conspiracy in violation of § 1985 (3), such a claim is legally barred by the intracorporate conspiracy doctrine. "A corporation cannot conspire with itself any more than a private individual can, and it is the general rule that the acts of the agent are the acts of the corporation." Buschi v. Kirven, 775 F.2d 1240, 1252 (4th Cir. 1985) (applying intracorporate conspiracy doctrine to uphold dismissal of § 1985 action). Because all the individuals alleged to conspire against plaintiff were acting as employees of WAH, there can be no conspiracy. This claim, therefore, must be dismissed as to all defendants.

With this ruling, all that remains in this complaint are plaintiff's vague allegations against WAH, Wolfe, Shell, and Eszenyi, that they violated § 1981 by creating a racially hostile environment and the claim that WAH discriminated and retaliated against him by firing him. A § 1981 action "must be founded on purposeful, racially discriminatory actions that affect at least one of the contractual

aspects listed in § 1981(b)." Soriaas v. Diamond Auto Glass, 165 F.3d 1015, 1018 (4th Cir. 1999) (reversing a district court's dismissal of a § 1981 claim). Plaintiffs' allegations are sparse and difficult to comprehend.[1] Although the Court "must construe pro se complaints liberally," courts are not required to rewrite them. Laber v. Harvey, 438 F3d 404, 413 n.4 (4th Cir. 2006). Accordingly, given that the Court has dismissed significant portions of the complaint, and in order to allow plaintiff to clarify only his § 1981 allegations against WAH, Wolfe, Shell, and Eszenyi, the Court will permit plaintiff to file an amended complaint. The allegations in the amended complaint must be clear and include the date of the conduct and a clear description of what each defendant did. The Court will address any remaining service of process issues after the filing of such amended complaint.

Therefore, it is hereby

ORDERED that plaintiff's claims under § 1985 be and are DISMISSED with prejudice as to all defendants; and it is further

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[1] Plaintiff should be aware of the pleading requirements in federal court as he has filed numerous civil actions in the past. See e.g., Liaains v. Johnson, 239 Fed. Appx. 828 (4th Cir. 2007) (affirming dismissal of plaintiff's complaint for lack of subject matter jurisdiction and improper venue); Liaains v. Bank of Clarke County, 201 Fed. Appx. 941 (4th Cir. 2006) (affirming dismissal of plaintiff's complaint); Liaains v. Police Dept., Town of Berryville, Va., 124 Fed. Appx 776 (4th Cir. 2005) (affirming grant of summary judgment against plaintiff). The Court notes that none of those actions have been successful.

ORDERED that defendants Marty W. Hiett, Pernell Ricks, Jr., and Franklin M. Phipps be and are DISMISSED from this action with prejudice; and it is further

ORDERED that plaintiff's complaint be and is DISMISSED without prejudice; and it is further

ORDERED that plaintiff file, within twenty (20) days, an amended complaint.

The Clerk is directed to forward copies of this Order to plaintiff, pro se, and counsel of record.

Entered this 12th day of February, 2008.

/s/ Leonie M. Brinkema

United States District Judge

Alexandria, Virginia

ENTERED: December 1, 2009

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1772(L)
(1:07-cv-01084-LMB-JFA)

KENNETH D. LIGGINS
Plaintiff – Appellant

v.

WILLIAM A. HAZEL, INC.; DARRELL WOLF; TOMMY SHELL; LASZLO ESZENYI,
Defendants – Appellees

No. 08-1971
(1:07-cv-01084-LMB-JFA)

KENNETH D. LIGGINS
Plaintiff – Appellant

v.

WILLIAM A. HAZEL, INC.; DARRELL WOLF; TOMMY SHELL; LASZLO ESZENYI,
Defendants – Appellees

ORDER

The Court denies the petition for rehearing and rehearing en banc. No Judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Wilkinson, Judge Motz and Judge Agee.

For the Court

/s/ Patricia S. Connor, Clerk

Dated: August 28, 2008

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

08-1772

Kenneth Liggins v. William A. Hazel, Inc.

APPELLEE'S INFORMAL BRIEF

Appellee William A. Hazel, Inc. (hereinafter "Appellee" or "the Company"), by and through undersigned counsel, hereby responds to the Informal Brief filed by Appellant Kenneth Liggins ("Liggins") as follows:

I. ISSUES ON APPEAL

Issue 1

"Did the Court Error by Allowing Defense Counsel to File in Court that His Law firm Represent William A. Hazel, Inc. Only On 12-21-2007? But his Writing have included all of the Defendants?"

Supporting Facts and Argument

Counsel for William A. Hazel, Inc. did not enter an appearance on behalf of any individual Defendant in this action. The mere mention of individually named Defendants in discovery documents and pleadings filed by Appellee does not change this fact or create an issue on appeal.

Counsel for the Company opposed Liggins' several motions for default judgment against the

individual defendants but always did so as counsel for William A. Hazel, Inc. only. *See*, e.g., Defendant's Opposition to Plaintiff's Motion for Default Judgment filed January 10, 2008 ("Defendant William A. Hazel, Inc. by undersigned counsel, hereby opposes....."). In an order entered February 12, 2008, the court found that William A. Hazel, Inc. "did not accept service for the individual defendants, and [William A. Hazel, Inc.'s] counsel has not entered his appearance on their behalf."

Issue 2

"Did the Court Error by allowing Defense Counsel for William A. Hazel, Inc. to Enter an Appearance on Behalf of Darrell Wolfe, Tommy Shell and Laszlo Eszenyi on Appellant Motion for Judgment by Default?"

Supporting Facts and Argument

None of the individual Defendants were properly served and, as explained above, counsel for William A. Hazel, Inc. never entered an appearance on behalf of any individual named as a Defendant in this action. Appellant cites no paper or court appearance in which counsel for William A. Hazel, Inc. represented an individual defendant.

Issue 3

"Did the Court Error by first Ordering Defense Counsel on 1-18-08 to file with the Court within (11) days the current home address of Defendants Darrell Wolfe Tommy Shell and Laszlo Eszenyi and the on 1-28-08 after the Defense counsel filed the names of defendants under seal the Court with drew it's order?"

Supporting Facts and Argument

See discussion of Issues 1 and 2, *supra*. Pursuant to the Court's Order of January 18, 2008, counsel for William A. Hazel, Inc. provided the home addresses to the court to facilitate service, at the court's direction, upon these individual defendants, whom Appellant had failed to serve with the Complaint. However, before the court had implemented its intent to direct service upon the individual defendants, the court on its own motion dismissed the claims pled against these parties in their individual capacities and vacated its directive that service be accomplished upon these defendants. *See* Order dated February 12, 2008. Appellant advances no argument challenging the correctness of this Order.

Issue 4

"Did the Court Error by Dismissing Appellant Motion to Enter Default Judgment against Darrell Wolfe on 6-11-2008 when Darrell Wolfe on behalf of Defendants attended Appellant Deposition on April 29th 2008 and his name was enter into the Recorded as an attendant by the Court reporter and was handed a Copy of the Appellant Bill of Complaint and was being Served

by Defense Counsel?"

Supporting Facts and Argument

See discussion of Issues 1 and 2, *supra*. Neither Wolfe's attendance at Appellant's deposition, nor his being a handed a copy of the Complaint as an exhibit at the deposition, constitutes proper service in this jurisdiction. *See* Fed. R. Civ. P 4(e). The receipt of a bare complaint, and nothing more, does not

constitute service of process in Virginia. *See Lifestar Response of Maryland, Inc. v. Vegosen*, 267 Va, 720, 594 S.E.2d 589 (2004) (reversing entry of default judgment because a complaint without the notice or summons issued by the clerk's office attached does not constitute process).

Issue 5

"Did the Court Error by Granting Defendants Motion for Summary Judgment, after the Court had Schedule a trial date and evidence was presented to warrant The Court to set a (2) day trial date?

Supporting Facts and Argument

The setting of a trial date is a routine administrative matter, and has no bearing whatsoever on the merits of Appellant's case or on the Court's authority to grant Appellee's Motion for Summary Judgment.

Issue 6

"Did the Court Error by prejudice the Appellant claim by stated that Plaintiff have filed other law suites and have not won any of them, there for Summary Judgment is Granted to the Defendants?"

Supporting Facts and Argument

Appellant asserts no basis for concluding that the Court's entry of judgment for the Appellee was influenced by previous lawsuits filed by the Appellant. Appellant's other lawsuits were not mentioned in Defendant's Motion for Summary Judgment or Reply in Support thereof, nor were they raised during oral argument or mentioned in Judge Brinkema's Order granting Summary Judgment. Thus, Appellant's conclusion that the Court's

determination on Summary Judgment was motivated by bias or any other improper motive is without foundation.

Issue 7

"Did the Court Error by issue it's Order dated the 20th Day of June 2008 to the Appellant and Appellee which due prove that the Court recognize that Defense Counsel was representing all of the Defendants."

Supporting Facts and Argument

The Appellant apparently is referring to the fact that the case caption, as reflected on the June 20 Order, is "Kenneth D. Liggins, Plaintiff v. William A. Hazel, Inc., *et al.*, Defendants. "This was an accurate representation by the court of the case caption. It has no bearing on the issue of what parties were served or represented by counsel. Counsel for Defendant William A. Hazel, Inc. never entered an appearance on behalf of any other party, and, as discussed above, the individual Defendants named in the Amended Complaint were never served.

Issue 8

"Did the Court Error by allowing a hearing to be held by the United States Magistrate Judge Barry R. Poretz, after Appellant had filed a Motion to have the Judge be recuse from this case?"

Supporting Facts and Argument

The District Court did not err by permitting Judge Poretz to hear a discovery motion in this case because Appellant's Motion to Recuse Judge Poretz was denied, and Judge Poretz' subsequent decision on Appellee's Motion to Compel had no bearing on

the Court's later entry of judgment on the merits in Appellee's favor.

On January 11, 2008, Appellant filed a Motion to Recuse Judge Barry Poretz from hearing the Defendant's Motion to Dismiss, arguing that Appellant's pending appeal of a case in which Judge Poretz had made a ruling would create a conflict of interest. On January 18, 2008, Judge Brinkema denied Appellant's motion. On April 18, 2008, Judge Poretz heard oral argument on Appellant's unopposed Motion to Compel, and granted the motion. Appellant objected to this ruling, which the trial court upheld. Judge Poretz did not hear any other motions in this action; Judge Brinkema, not Judge Poretz, ruled on Appellee's Motion for Summary Judgment and entered judgment in the Appellee's favor. Appellant advanced no credible argument for Judge Poretz's recusal, and in any event his decision on William A. Hazel, Inc.'s unopposed Motion to Compel did not affect the outcome of the case.

Issue 9

"Did the Court Error by granting Defendant Motion for Summary Judgment when there were genuine Issues as to material facts."

Supporting Facts and Argument

The Court did not err by granting Appellee's Motion for Summary Judgment because Appellant failed to present any genuine issue of material fact. First, Appellant did not set forth any evidence that he was terminated on the basis of his race in violation of 42 U.S.C. § 1981. Second, Appellant failed to show that the Company engaged in any

retaliatory action against him. Third, Appellant's hostile work environment claim failed because Appellant was unable to set forth any evidence indicating that the alleged harassment was based on his race or indeed that there was any harassment at all.

Appellant has not identified any genuine issue of material fact or error or law. The District Court did not err in granting Summary Judgment in the Appellee's favor.

II. RELIEF REQUESTED

Appellees request that the Court dismiss Appellant's appeal and uphold the District Court's entry of judgment in favor of Appellee.

Dated: August 28, 2008

Respectfully Submitted,

/s/

R. Mark Dare
Va. Bar No. 14146
Attorney for Appellee
Isler Dare Ray Radcliffe & Connolly, P.C.
1919 Gallows Road, Suite 320
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(703) 748-2695 (facsimile)
mdare@islerdare.com

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, and I hereby certify that I have mailed the foregoing document by U.S. First Class Mail, postage prepaid, to the following non-CM/ECF participant, addressed as follows:

Kenneth D. Liggins
P.O. Box 23
206 Josephine Street
Berryville, Virginia 22611

/s/

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Dated June 17, 2008

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

KENNETH D. LIGGINS
Plaintiff,

v.

WILLIAM A. HAZEL, INC. et al.
Defendants

Case No. 1:07-cv-1084

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO ENTER DEFAULT JUDGMENT AGAINST WOLFE

Defendant William A. Hazel, Inc. ("WAH" or "the Company"), by undersigned counsel, pursuant to Rule 12(b)(5) of the Federal Rules of Civil Procedure, hereby opposes Plaintiffs Motion to Enter Default Judgment against Darrell Wolfe ("Wolfe"). As shown below, Plaintiffs motion is without merit because Wolfe has not been properly served with the Complaint. Thus, Defendant requests that the Court deny Plaintiffs Motion.

I. INTRODUCTION

Plaintiff Kenneth Liggins, proceeding *pro se,* is a former employee of WAH. Plaintiff filed a Complaint on October 26, 2007 against WAH and seven individual Defendants, all current or former WAH employees. Plaintiffs claims under Title VII, the

Americans with Disabilities Act, and 42 U.S.C. 1985, among other claims, were dismissed by this Court on January 18, 2008 and February 12, 2008. Also on January 18, 2008, this Court denied Plaintiffs first motion for default judgment, filed on January 8, 2008, against Wolfe, Shell, Eszenyi, Michael Quick, Marty Hiett, Pernell Ricks, and Franklin Phipps because they had not been served. The Court rejected Plaintiffs argument, also made in the instant motion, that service by registered mail is adequate. Plaintiffs instant Motion for Default Judgment against Wolfe should be denied because the Wolfe was never served.

II. ARGUMENT

A. Plaintiff Has Failed to Show that Shell Was Served.

Plaintiff makes two principle arguments.[1] First, he contends that Wolfe received a copy of the Complaint during the deposition of Liggins, when a copy of the [Second] Amended Bill of Complaint was offered as an exhibit and then passed to Wolfe, who was attending the deposition. Second, Plaintiff argues that because Wolfe's diary has been filed with the Curt as a potential trial exhibit, this constitutes an appearance by Wolfe and therefore necessitates that he file an answer. Neither argument stands up to scrutiny.

---

[1] To the extent Plaintiff also contends that his sending of the Complaint by registered mail constitutes service, this argument and this attempt at "service" was previously rejected by the Court. *Also see* Defendant's Opposition to Motion for Default Judgment Against Shell and Eszenyi, filed this same day.

1. The passing of a Complaint to an individual by counsel in a deposition does not constitute service under Rule 4(e), Fed. R. Civ. P. A copy of the Complaint handed to Wolfe during the deposition of Liggins is attached hereto as Exhibit A (it is marked in the lower right hand corner "Deposition Exhibit Liggins 3," since it was offered as the third trial exhibit in the deposition of Liggins).

To the extent Plaintiff is relying upon state law to argue that service was accomplished, the absence of notice or summons issued by the Clerk's Office is fatal. *See Lifestar Responde of Maryland, Inc. v. Vegosen,* 267 Va. 720, 594 SE2d 589 (2004) (under Virginia law, a complaint without the notice or summons issued by the clerk's office attached, is not process; default judgment reversed).

2. Defendant's submission of Wolfe's work diary as a potential trail exhibit does not constitute an appearance and does not necessitate the filing of an answer by Wolfe, who has never been served.

The motion for default judgment against Wolfe should be denied.

Dated: June 18, 2008

Respectfully Submitted,

/s/

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Attorney for Defendant
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/s/
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(703) 748-2690
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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I will mail the document by U.S. mail to the following non-filing user:

Kenneth D. Liggins
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206 Josephine Street
Berryville, Virginia 22611

/s/

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/s/

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Dated June 17, 2008

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

KENNETH D. LIGGINS
Plaintiff,

v.

WILLIAM A. HAZEL, INC. et al.
Defendants

Case No. 1:07-cv-1084

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO ENTER DEFAULT JUDGMENT AGAINST SHELL AND ESZENYI

Defendant William A. Hazel, Inc. ("WAH" or "the Company"), by undersigned counsel, pursuant to Rule 12(b)(5) of the Federal Rules of Civil Procedure, hereby opposes Plaintiffs Motion to Enter Default Judgment against Tommy Shell ("Shell") and Laszlo Eszenyi ("Eszenyi"). As shown below, Plaintiffs motion is without merit because the individuals against whom Plaintiff seeks default judgment have not been properly served with the Complaint. Thus, Defendant requests that the Court deny Plaintiffs Motion.

I. INTRODUCTION

Plaintiff Kenneth Liggins, proceeding *pro se,* is a former employee of WAH. Plaintiff filed a Complaint

on October 26, 2007 against WAH and seven individual Defendants, all current or former WAH employees. Plaintiffs claims under Title VII, the Americans with Disabilities Act, and 42 U.S.C. 1985, among other claims, were dismissed by this Court on January 18, 2008 and February 12, 2008. Also on January 18, 2008, this Court denied Plaintiffs first motion for default judgment, filed on January 8, 2008, against Wolfe, Shell, Eszenyi, Michael Quick, Marty Hiett, Pernell Ricks, and Franklin Phipps because they had not been served. The Court rejected Plaintiffs argument, also made in the instant motion, that service by registered mail is adequate. Plaintiffs instant Motion for Default Judgment should be denied because the individual defendants were never served.

II. ARGUMENT

A. Plaintiff Has Failed to Show that Shell Was Served.

Plaintiff makes two arguments in support of his contention that Shell was served and therefore is in default: first, he states that Shell "received a copy of the Bill of Complaint from Plaintiff on March 10th 2008," and second, he states that Shell "was Dispose by Defense Counsel on May 22, 2008."

Plaintiffs motion is not accompanied by an affidavit or declaration, so its "fact" assertions, which Defendant denies, cannot be taken as true. The only basis for Plaintiff s allegation that Shell received the Complaint is his statement that "B. Cooper an employee for William A. Hazel, Inc. had sign the return receipt on March 10th 2008 ...." The receipt attached to the motion does indeed show the signature of a "B. Cooper," but Plaintiff has

absolutely no basis for asserting that "B. Cooper...did give Tommy Shell, Laszlo Eszenyi and Darrell Wolfe a copy of Plaintiff Bill of Complaint." Plaintiff simply would have no way of knowing whether this is true or not. This statement must therefore be rejected.

In any event, sending a copy of the Complaint by registered mail does not constitute service. *See* Rule 4(e), Fed. R. Civ. P.

Even if the Court accepted Liggins' unsupported statements as fact, the receipt of a bare Complaint, and nothing more, even under the most generous interpretation of the law, is not service of process. *See Lifestar Response of Maryland, Inc. v. Vegosen, 267* Va. 720, 594 S.E.2d 589 (2004) (under Virginia law, a complaint without the notice or summons issued by the clerk's office attached, is not process; default judgment reversed). Plaintiff does not allege that a notice or summons was attached to the Complaint he believes may have been given to Shell.

Liggins' second argument is that because Defendant has filed Shell's diary as a potential trial exhibit, submitted a declaration signed by Shell, and deposed Shell,[1] then Shell must file an answer to the Complaint. These activities by Shell do not negate the fact that he was never served and that he never made an appearance as a party.

---

[1] Plaintiff states that Shell and Eszenyi were deposed on May 22, 2008 without notice to Plaintiff In fact, the only deposition taken in this case was Defendant's deposition of Plaintiff. On May 22, 2008, Shell, Wolfe and Eszenyi each signed declarations that were submitted to the Court in support of Defendant's Motion for Summary Judgment.

B. Plaintiff Has Failed to Show That Eszenyi Was Served.

Plaintiff does not contend that submission of Eszenyi's diary as a potential exhibit constitutes an appearance by Eszenyi, since Defendant made no such submission. Otherwise, however, Plaintiff makes precisely the same arguments in favor of default judgment against Eszenyi as he advances with respect to Shell.

Defendant therefore incorporates its argument in opposition as set forth above.

The motion for default judgment against Shell and Eszenyi should be denied.

Dated: June 18, 2008

Respectfully submitted,

/s/

R. Mark Dare
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shaley@islerdare.com

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I will mail the document by U.S. mail to the following non-filing user:

Kenneth D. Liggins
P.O. Box 23
206 Josephine Street
Berryville, Virginia 22611

/s/

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Attorney for Defendant
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IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

KENNETH D. LIGGINS
Plaintiff,

v.

WILLIAM A. HAZEL, INC. et al.
Defendants

Case No. 1:07-cv-1084

MOTION FOR DEFAULT JUDGMENT
AND NOTICE OF HEARING

Plaintiff Motion for entry of default against the Defendants who have failed to file a plea or enter an appearance on their behalf in violation of Federal Rule 55(a). And Rule 3:17 of the Supreme Court of Virginia, Plaintiff do hereby Request a hearing on June 20th 2008 at 10:00 a.m. After Defendants Motion hearing. Plaintiff submit attach affidavit in support of Default Judgment against Darrell Wolfe, Tommy Shell, and Laszlo Eszenyi.

/s/ Kenneth D. Liggins Pro-Se
Kenneth D. Liggins Pro-Se
206 Josephine Street
Berryville, VA 22611
540-955-1365

Dated June 11, 2008

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

KENNETH D. LIGGINS
Plaintiff,

v.

WILLIAM A. HAZEL, INC. et al.
Defendants

Case No. 1:07-cv-1084

PLAINTIFF REQUEST ENTRY OF DEFAULT

PLAINTIFF, request Entry of Default against the named Tommy Shell and Laszlo Eszenyi violation of Federal Rule 55(a), and Rule 3:17 of the Supreme Court of Virginia, Plaintiff submit attach affidavit in support of entry of default.

/s/ Kenneth D. Liggins Pro-Se
Kenneth D. Liggins Pro-Se
206 Josephine Street
Berryville, VA 22611
540-955-1365
Date June 11, 2008

CERTIFICATE OF SERVICE

I Kenneth D. Liggins hereby certify that a true and exact copy of the foregoing Motion for Judgment by default was sent to the Defendant Counsel at ISLER DARE RAY RADCLIFFE & CONNOLLY, P.C. at 1919 Gallows Road, Suite 320 Tyson Corner Vienna, Virginia 22182. By U.S. Mail on June 20th 2008. For Tommy Shell AND Laszlo Eszenyi.

/s/ Kenneth D. Liggins Pro-Se
Kenneth D. Liggins Pro-Se
206 Josephine Street
Berryville, VA 22611
540-955-1365
Date June 11, 2008

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

KENNETH D. LIGGINS
Plaintiff,

v.

WILLIAM A. HAZEL, INC. et al.
Defendants

Case No. 1:07-cv-1084

PLAINTIFF MOTION TO ENTRY OF
DEFAULT JUDGMENT AGAINST
TOMMY SHELL AND LASZLO ESZENYI

COME NOW Plaintiff Pro-Se in support of his Motion for Entry Of Judgment by Default and states the following: (1) Defense Counsel enter a Copy of Tommy Shell Diary on behalf of William A. Hazel, Inc. Which was in the possession of Tommy Shell. (2) Tommy Shell received a copy of the Bill of Complaint from Plaintiff on March 10th 2008 and have failed to enter an appearance or file a defense on his own behalf. (3.) Laszlo Eszenyi received a copy of the Bill of Complaint from Plaintiff on March 10th 2008 and have failed to enter an appearance or file a defense on his own. (4.) B. Cooper an employee for William A. Hazel, Inc. Had sign the return receipt on March 10th 2008 and did give Tommy Shell, Laszlo Eszenyi and Darrell Wolfe a copy of Plaintiff Bill of Complaint. (5) Tommy Shell was Dispose by Defense Counsel on May 22,2008. Plaintiff was never

informed of the Deposition. Laszlo Eszenyi was Dispose on May 22,2008, and Plaintiff was never informed of the Deposition. In so Much as Tommy Shell and Laszlo Eszenyi had been depose by Defense Counsel and Defense counsel failed to enter and appearance or file an answer to plaintiff complaint On Behalf of Tommy Shell and Laszlo Eszenyi therefore Plaintiff is entitle to Judgment by Default against Tommy Shell and Laszlo Eszenyi who were acting on behalf of William A. Hazel, Inc. Did violate Federal Rule of Civil Procedure Rule 55 (a), and also Rule of the Supreme Court of Virginia Rule 3:17. (5)The Defense Counsel had the Agents for Defendant depose and received a sign affidavit which will allow Plaintiff Motion for Judgment by Default to be entered. See Copies of Tommy Shell and Laszlo Enzyie Declaration, dated May 22,2008 as Defendants Exhibits. Plaintiff Ask for This

Respectfully submitted,

/s/ Kenneth D. Liggins Pro-Se
Kenneth D. Liggins Pro-Se
206 Josephine Street
Berryville, VA 22611
540-955-1365
Date June 11, 2008

ENTER BY:

Unites States District Court Eastern District

Of Virginia, Alexandria Division

Date:_____

CERTIFICATE OF SERVICE

I hereby certify that on the 10th Day of June 2008, I have delivered to Counsel In person a true copy of plaintiff REQUEST FOR Entry of Default Judgment to Defendants, at ISLER DARE RAY RADCLIFFE & CONNOLLY, P.C. To R. Mark Dare Attorney at Law 1919 Gallows Road Suite 320 Tyson Comer Vienna, Virginia 22182. (703) 748-2690. For Tommy Shell and Laszlo Eszenyi.

To: United State District Court
Eastern District of Virginia
401 Court House Square
Alexandria, Virginia 22314-5798

/s/ Kenneth D. Liggins Pro-Se
Kenneth D. Liggins Pro-Se
206 Josephine Street
Berryville, VA 22611
540-955-1365
Date June 11, 2008